In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 6635 of 2007

Date of Decision: 04.05.2007

Kiran Jyoti

…Petitioner

Versus

State of Punjab & others

…Respondents

**CORAM: HON'BLE MR. JUSTICE M.M. KUMAR**

**HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: Mr. R.K. Dadwal, Advocate,
for the petitioner.

**JUDGMENT**

**M.M. KUMAR, J. (Oral)**

This petition filed under Article 226 of the Constitution prays for issuance of direction to the respondents to modify the appointment letter, dated 29.6.2004 (P-3), whereby the petitioner was offered the appointment for the post of Peon. The petitioner has claimed that she is entitled to be appointed as Clerk instead of Peon. In this regard, she has also sent a legal notice dated 14.10.2006, to the respondents, to which no reply is stated to have been received

We have heard the learned counsel for the petitioner at some length and perused the paper book.

Before disposing of this writ petition we would refer to the views of Hon'ble the Supreme Court in the case of **Salem**

**Advocate Bar Association v. Union of India, (2005) 6 SCC 344**. In paras 38 and 39 of the judgment it has been required that whenever notice under Section 80 C.P.C. or under any similar provision are sent then it is mandatory on the part of State or Central Government or other authorities to send reply to such notice. It is also well settled that before seeking a direction or a writ of mandamus, a demand justice notice is required to be served on the respondents as has been done in the present case. The petitioner before approaching this Court had sent a legal notice, dated 14.10.2006 (P-5), to which no reply is stated to have been received. It has also been observed by Hon'ble the Supreme Court that in cases where such like notice/representation has not been replied then cost is required to be imposed. Therefore, without going into the merits of the case, we dispose of the writ petition at this stage with a direction to the respondents to take a decision on the legal notice dated 14.10.2006 (P-5) by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order.

Petition stands disposed of in the above terms.

**(M.M. KUMAR)**
**JUDGE**

**(RAJESH BINDAL)**
**JUDGE**

**May 4, 2007**
Pkapoor